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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,417	12/15/2003	Paul Michael Wickens	8294-2	3979

7590 09/28/2006

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EXAMINER

CHIU, RALEIGH W

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/736,417

**Applicant(s)**

WICKENS, PAUL MICHAEL

**Examiner**

Raleigh Chiu

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 27-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the base footprint being greater than the outer arm area (claims 31-33, 43 and 44); the rectangular box having a plurality of legs forming a base (claim 51: Figure 4 does not show the legs forming a base); the cylinder having both a plurality of arms and legs (claim 52: Figure 6 only shows leg members) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC §§ 102 and 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 27, 28, 34, 37, 40-42, 45, 47 and 49-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 5,927,002 (Walton *et al.*, hereinafter Walton).

Regarding claims 27, 40, 42, 49, 53 and 55, Figure 2 of Walton shows a solid foam member 16 defining a base footprint with a plurality of arms 22 and a plurality of legs 30. Broadly speaking, it is believed that there are flower stems known in nature to be substantially straight and have substantially uniform cross sectional shapes. In fact, in figure 2 of Walton, some of the stems appear to be substantially straight.

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Regarding claims 28, 41 and 54, due to the presence of blossoms 24, the outer arm area is considered to be greater than the footprint area.

Regarding claims 34, 37, 45 and 47, apertures are considered to be formed when arms 22 and legs 30 are inserted into body member 16.

With additional regard to claim 40, the Walton plants stems are considered to be rigid enough to be inserted into body member 16.

Regarding claims 50 and 51, Figures 1-4 of Walton teaches the concept of providing body members with different shapes. As such, it would have been obvious to one of ordinary skill in the art to make the Walton body member a sphere or a rectangular box, since such a modification would have involved a mere change in the shape of a component. A change in shape is generally recognized as being within the level of ordinary skill in the art.

Regarding claim 52, Figures 1-2 of Walton shows a cylindrical body member 16.

4. Claims 27-49 and 53-55 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 4,578,920 (Bush et al., hereinafter Bush).

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Regarding claims 27, 29, 30, 32, 33, 40, 42, 44, 49, 53 and 55, Figures 2-3 of Bush shows a main body member (hub 29, base 31) with a plurality of outwardly-extending rigid arms (struts 36) and a plurality of rigid downwardly-extending legs (struts 56); struts 36,56 are considered to have square cross-sections.

Regarding claims 28, 31, 41, 43 and 54, because struts 36,56 are independently pivotable, they can inherently be positioned such that either the base footprint or the outer arm area is greater.

Regarding claims 35, 36, 38, 39, 46 and 48, strut 36 can be pivoted via link 42 through ninety degrees.

Regarding claims 34, 37, 45 and 47, the bifurcations 32 created in base 31 broadly correspond to the recited apertures.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raleigh Chiu whose telephone number is (571) 272-4408. The examiner can normally be reached on Monday-Thursday.

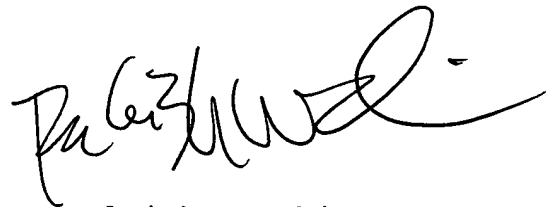
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim, can be reached on (571) 272-4463.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval

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(PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'RWC' followed by a stylized flourish.

Raleigh W. Chiu  
Primary Examiner  
Technology Center 3700

RWC:dei:feif

17 September 2006